

Town Board Minutes

December 1, 2003

Meeting No. 41

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 1st day of December at 8:00 P.M. and there were

PRESENT: MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: RICHARD ZARBO, COUNCIL MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
CHRISTINE FUSCO, ASSESSOR
TERRENCE McCracken, GENERAL CREW CHIEF
JOHN TROJANOWSKY, EXEC. DIRECTOR YOUTH BUREAU
MARY ANN PERRELLO, DEPUTY TOWN CLERK

PERSONS ADDRESSING TOWN BOARD:

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matters:

- Questions and comments about:
 1. Resolution to amend 2003 Budget.
 2. Creation of position of Clerk Typist.
 3. Firefighters Service Award Referendum.
 4. Columbia Gardens Subdivision.

Davis, Jeff, 218 Calumet Street, spoke to the Town Board on the following matter:

- Questions regarding Town Ordinance and how it may be amended..

Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matter:

- Comments regarding refuse collection and proposal for bids; he is desirous of an ad hoc committee formation to deal with refuse collection contracts.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Planning Board and the Town Board held November 17, 2003 and the Regular Meeting of the Town Board held November 17, 2003 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	ABSTAINED
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 1, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, Dennis Haniszewski, d/b/a Ransom Auto Parts, Inc., 867 Ransom Road, Lancaster, New York 14086 has applied for a renewal license to conduct a salvage yard on premises situate at 867 Ransom Road within the Town of Lancaster, pursuant to Chapter 4-3 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Town Board for review, and

WHEREAS, the Building Inspector, by letter dated November 19, 2003, has notified the Town Board that he has completed his review and made a favorable recommendation thereto.

NOW, THEREFORE, BE IT

RESOLVED, that Dennis Haniszewski, d/b/a Ransom Auto Parts, Inc., 867 Ransom Road, Lancaster, New York be and is hereby authorized to conduct a salvage yard on premises situate at 867 Ransom Road, Lancaster, New York for the period January 1, 2004 to December 31, 2004 in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 1, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

WHEREAS, the Supervisor desires to create one (1) additional position of Clerk
Typist in the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby
authorized to complete and submit Form PO-17 (New Position Duties Statement) to create one (1)
additional position of Clerk Typist in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 1, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, it is the desire of the Town of Lancaster to renew the Agreement heretofore entered into by the Town of Lancaster and the Depew-Lancaster Boys' and Girls' Club, Inc., for the operation of a Junior Citizens Club at the Lancaster Branch of the said Boys' and Girls' Club, Inc., which expires according to its terms on December 31, 2003, and

WHEREAS, the said Depew-Lancaster Boys' and Girls' Club, Inc., has submitted and filed its 2004 Budget for the operation of said Junior Citizens Club.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized and directed to execute said Agreement on behalf of the Town of Lancaster, which have been drawn and approved by the Town Attorney.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 1, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, it is the desire of the Town of Lancaster to renew the Agreement heretofore entered into by the Town of Lancaster and the Depew-Lancaster Boys' and Girls' Club, Inc., for the operation of a Junior Citizens Club at the Depew Branch of the said Boys' and Girls' Club, Inc., which expires according to its terms on December 31, 2003, and

WHEREAS, the said Depew-Lancaster Boys' and Girls' Club, Inc., has submitted and filed its 2004 Budget for the operation of said Junior Citizens Club.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized and directed to execute said Agreement on behalf of the Town of Lancaster, which have been drawn and approved by the Town Attorney.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 1, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Michael Weiss, d/b/a Epic Recreational Center, 2793 Wehrle Drive, Williamsville, New York, has submitted a Site Plan prepared by Metzger Civil Engineering, PLLC, dated October 21, 2003 and received October 21, 2003 for the construction of a 31,200 sq. ft. addition to an existing building located at 2793 Wehrle Drive, in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan and at its meeting November 5, 2003 has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held December 1, 2003 and a negative declaration was issued at that time;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by Michael Weiss, d/b/a Epic Recreational Center, prepared by Metzger Civil Engineering, PLLC dated October 21, 2003 and received October 21, 2003 for the construction of a 31,200 sq. ft. addition to an existing building located at 2793 Wehrle Drive, in the Town of Lancaster, subject to the following conditions:

- Wetlands and discharge permits to be issued by NYSDEC
- Set of elevations to be provided to the Town Board
- Arrangements for tree plantings to be made with Crew Chief Terrence McCracken

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 1, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town Board, by resolution dated November 3, 2003, has set a special referendum for the purpose of considering an amendment to the Firefighter’s Service Award Program for the three fire companies located within the Town of Lancaster, outside of the Villages of Lancaster and Depew, and

WHEREAS, the Town Board, within this same resolution consolidated the twenty-five (25) polling places located outside of the Villages of Lancaster and Depew into three (3) consolidated polling places for this election, namely Bowmansville Fire Hall, the Town Line Fire Hall and the Twin District Fire Hall, and

WHEREAS, the Town Clerk has made recommendations to the Town Board concerning the general conduct of this Referendum.

**NOW, THEREFORE, BE IT
RESOLVED:**

- Section 1:** That the polls for this special referendum be open from 10 a.m. to 8 p.m.
- Section 2:** That each of the three designated fire halls, namely Bowmansville Fire Hall, Town Line Fire Hall, and Twin District Fire Hall, be staffed with four (4) election inspectors.
- Section 3:** That each fire hall be provided with two (2) voting machines.
- Section 4:** That the twenty-five (25) election districts outside the Villages of Lancaster and Depew and their voter registration lists be consolidated as follows:

**BOWMANSVILLE MAIN FIRE HALL
36 MAIN STREET
CONSOLIDATION OF:**

<u>REGULAR POLLING PLACE & DISTRICT</u>	<u>REFERENDUM DECEMBER 19, 2003</u>
Sacred Heart School, District No.’s 16, 28	Bowmansville Main Fire Hall
Seitz Avenue Fire Hall, District No. 22	Bowmansville Main Fire Hall
Lancaster Senior High School, District No.’s 25, 27	Bowmansville Main Fire Hall
Lancaster School District Bus Garage, District No. 29	Bowmansville Main Fire Hall
Town Court Building, District No.’s 17, 43	Bowmansville Main Fire Hall
Hillview School, District No. 44	Bowmansville Main Fire Hall

**TOWN LINE MAIN FIRE HALL
6503 BROADWAY
CONSOLIDATION OF:**

Town Line Fire Hall, District No.’s 18, 31	Town Line Fire Hall
Historical School House, District No. 19	Town Line Fire Hall
Cemetery Road Fire Hall, District No. 30	Town Line Fire Hall
Town View Apts. Community Center, District No.’s 41, 42	Town Line Fire Hall

**TWIN DISTRICT FIRE HALL
4999 WILLIAM STREET
CONSOLIDATION OF :**

Twin District Fire Hall, District No.'s 20, 32, 35, 37	Twin District Fire Hall
Cayuga Heights School, District No.'s 33, 34	Twin District Fire Hall
Lancaster Senior Center, District No. 36	Twin District Fire Hall
William Street School, District No.'s 38, 39, 40	Twin District Fire Hall

Section 5: That “Affidavit” paper ballots be offered to any voter not listed in the poll book. These ballots to be verified and counted at the office of the Town Clerk after 8 p.m. on the evening of the special referendum by and in the presence of her Deputy.

Section 6: That absentee ballots be mailed to all permanently confined voters and any voter who will be outside of Erie County on December 19, 2003 and applies for an absentee ballot.

Section 7: That the inspectors of election each be compensated \$84.60 for their services on the day of the referendum and that the Chairman of each polling district be compensated an additional \$23.50.

Section 8: That the Town Clerk be authorized to place an ad and the required legal notice in the Lancaster Bee, the official newspaper of the Town of Lancaster, setting forth the proposition and consolidated polling places, said notices to be published on Thursday, December 4, 2003.

Section 9: That an appropriate notice be posted on the entrance to each regular polling place consolidated into a fire hall for this special referendum which directs voters to the appropriate fire hall.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 1, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town Line Volunteer Fire Department, Inc., by letter dated November 17, 2003, has requested the addition of the following individuals to the membership roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Town Line Volunteer Fire Department the following individuals:

ADDITIONS:

Christopher Robinson 67 Brownwell Buffalo, New York	Christopher Conlon 36 Cayuga Creek Road Cheektowaga, New York	Shawn Castanik 36 Collins Avenue West Seneca, New York
David Augustini 210 N. 18 Street Olean, New York	Robert Snekser 661 Highland Avenue Tonawanda, New York	Thomas Kendall 11081 Fairview Drive Alden, New York
Adam Hoffman 80 Sunburst Circle E. Amherst, New York	Robert Hernandez 15 Autumnwood Drive Cheektowaga, New York	

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 1, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPIAK, TO WIT:

WHEREAS, upon reviewing the budgetary accounts of the Town of Lancaster,
the Supervisor has determined the need for various adjustments to the 2003 Adopted Budget of
the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED that the following Budget Amendments be and are hereby approved
in the 2003 adopted budget of the Town of Lancaster:

Sewer District 2	<u>Increase</u>
SS52-599 Appropriated Fund Balance	\$ 4,193
SS52-960 Budget Appropriations	4,193
SS52-8120.426 Repairs & Maintenance	4,193
 Sewer District 2, Ext. 1	
SS54-599 Appropriated Fund Balance	386
SS54-960 Budget Appropriations	386
SS54-8120.426 Repairs & Maintenance	386
 Sewer District 2, Ext. 2	
SS55-599 Appropriated Fund Balance	761
SS55-960 Budget Appropriations	761
SS55-8120.426 Repairs & Maintenance	761
 Sewer District 2, Ext. 3	
SS56-599 Appropriated Fund Balance	86
SS56-960 Budget Appropriations	86
SS56-8120.426 Repairs & Maintenance	86
 Sewer District 2, Ext 4	
SS57-599 Appropriated Fund Balance	247
SS57-960 Budget Appropriations	247
SS57-8120.426 Repairs & Maintenance	247
 Sewer District 2, Lateral 1	
SS58-599 Appropriated Fund Balance	204
SS58-960 Budget Appropriations	204
SS58-8120.426 Repairs & Maintenance	204
 Sewer District 2, Lateral 2	
SS59-599 Appropriated Fund Balance	107
SS59-960 Budget Appropriations	107
SS59-8120.426 Repairs & Maintenance	107
 Sewer District 2, Meadow Lea Estates Lateral	
SS60-599 Appropriated Fund Balance	429
SS60-960 Budget Appropriations	429
SS60-8120.426 Repairs & Maintenance	429

Sewer District 2, Lancaster Heights Lateral

SS61-599 Appropriated Fund Balance	354
SS61-960 Budget Appropriations	354
SS61-8120.426 Repairs & Maintenance	354

Sewer District 2, Markey Ave. Lateral

SS62-599 Appropriated Fund Balance	182
SS62-960 Budget Appropriations	182
SS62-8120.426 Repairs & Maintenance	182

Sewer District 2, S. Broezel Lateral

SS63-599 Appropriated Fund Balance	54
SS63-960 Budget Appropriations	54
SS63-8120.426 Repairs & Maintenance	54

Sewer District 2, Ronald/Charlton Lateral

SS64-599 Appropriated Fund Balance	386
SS64-960 Budget Appropriations	386
SS64-8120.426 Repairs & Maintenance	386

Sewer District 2, Botimer Ave. Lateral

SS65-599 Appropriated Fund Balance	86
SS65-960 Budget Appropriations	86
SS65-8120.426 Repairs & Maintenance	86

Miscellaneous Special Revenue - Public Safety

36-510 Estimated Revenues	0
36-599 Appropriated Fund Balance	58,500
36-960 Budget Appropriations	58,500
36-1989-412 Other General Govt. Support	25,500
36-9901-901 Transfer to Fire Prot. District for Public Safety Expenses	33,000

Miscellaneous Special Revenue - Tree Planting Fee

33-510 Estimated Revenues	40,000
33-2770 Tree Planting Fees	40,000
33-599 Appropriated Fund Balance	30,000
33-960 Budget Appropriations	70,000
33-8000.400 Contractual Expenses	35,000
33-9901-901 Transfer to General Fund for Tree Planting Services	35,000

Miscellaneous Special Revenue - Recreation Filing Fee

37-510 Estimated Revenues	135,000
37-2770 Recreation Filing Fees	135,000
37-599 Appropriated Fund Balance	0
37-960 Budget Appropriations	135,000
37-9901.901 Transfer to General Fund for Parks Debt Service	135,000

Miscellaneous Special Revenue - Memorial Garden Fund

39-510 Estimated Revenues	1,000
39-2770 Sales of Memorial Garden Bricks	1,000
39-599 Appropriated Fund Balance	1,000
39-960 Budget Appropriations	2,000
39-7000-400 Contractual Expenses	2,000

Miscellaneous Special Revenue - Conservation Fee

38-510 Estimated Revenues	0
38-599 Appropriated Fund Balance	159,000
38-960 Budget Appropriations	159,000
38-9901-901 Transfer to General Fund for Parks Debt Service	159,000

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 1, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has given due consideration in causing an invitation to bid the municipal solid waste collection and haul and processing and marketing recyclables for the Town of Lancaster, and

WHEREAS, the Town of Lancaster is inviting bids for the collection of refuse and the hauling to a designated disposal facility and for the processing and marketing of recyclables.

NOW, THEREFORE, BE IT

RESOLVED, that bids be received by the Town Clerk of the Town of Lancaster at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York up to 10:00 A.M. Local Time on the 23rd day of December, 2003, and

BE IT FURTHER RESOLVED, that the bids will be opened and read aloud in the Lancaster Town Hall at 10:00 A.M. Local Time on the 23rd day of December, 2003, and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Lancaster shall publish a Notice to Bidders in substantially the form attached hereto and made a part hereof in the Lancaster Bee, the official newspaper of the Town of Lancaster.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
COUNCIL MEMBER GIZA	VOTED YES

December 1, 2003

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS**

**COLLECTION AND HAULING OF ALL COMPONENTS OF THE SOLID WASTE
STREAM, INCLUDING RECYCLABLES AND THE PROCESSING AND MARKETING
OF RECYCLABLES.**

Please take notice that sealed bids will be received on December 23, 2003, on or before 10:00 A.M., Local Time, at the Office of the Town Clerk of the Town of Lancaster, on behalf of the Town of Lancaster, pursuant to specifications which are on file in the Town Clerk's Office of the Town of Lancaster, Town Hall, 21 Central Avenue, Lancaster, New York. The bids will be open and read aloud by the Town Clerk at 10:00 A.M. on December 23, 2003 in the Office of the Town Clerk, Town of Lancaster.

Bid Specifications and Bid Sheets may be obtained or examined at the Office of the Town Clerk of the Town of Lancaster between the hours of 9:00 A.M. and 4:30 P.M. from December 2, 2003 to December 22, 2003 and from 9:00 A.M. to 10:00 A.M. on December 23, 2003, except Saturdays, Sundays and Holidays.

In order to give bidders the opportunity to gain economies of scale and better utilize equipment and labor, which may allow a lower cost to the Town, the Town is inviting bids for collection and hauling to the designated disposal or recycling facilities and processing and marketing recyclables as follows:

- Mixed municipal solid waste (mixed waste) to the American Ref-Fuel Corp. (formerly Occidental) Energy-From-Waste Facility in Niagara Falls, New York, under the existing disposal contract with the Town, or to another site as may be designated by the Town within forty (40) miles of the Town of Lancaster.
- Bulky waste and trash, tires and yard waste to (1) American Ref-Fuel Corp., or to (2) another Town designated facility within forty (40) miles of the Town of Lancaster, or to (3) a permitted DEC facility selected by the collector, with the cost to the Town for disposal not to exceed the cost charged by American Ref-Fuel Corp. Energy-From-Waste Facility.
- White good and scrap metal to (1) American Ref-Fuel Corp. Energy-From-Waste-Facility, or to (2) another Town designated facility within forty (40) miles of the Town of Lancaster, or to (3) a permitted DEC facility selected by the collector with the cost to the Town for disposal not to exceed the cost charged by American Ref-Fuel Corp. Energy-From-Waste Facility. In the event that the collector transports to a facility under (3), then the actual cost of disposal shall be filed by the Collector to the Town on a monthly basis.

- Source separated paper products and commingled recyclable materials (glass, tin cans, plastics, etc.) to a permitted DEC facility at a cost for disposal not to exceed the cost charged by American Ref-Fuel Corp Energy from Waste Facility for refuse and garbage. Both types of recycled materials shall be collected each week.
- Recyclable materials to a NYSDEC licensed Municipal Recycling Facility with processing and marketing to be included in the bid.
- Disposal and recycling costs at all Town designated sites shall be paid directly by the Town. During the contract, the Town reserves the right to change the designated site(s) or facility (ies) for disposal of all waste except recyclables. The contractor shall be given a minimum of thirty (30) days' notice of any such change.

Bids shall be submitted intact on the Bid Submittal Sheets provided (bids not intact and received in other than original form will not be read) and shall be enclosed in sealed envelopes plainly marked “**Solid Waste Management Services**” as well as “**BID FORMS ENCLOSED**” plainly marked on the front of the envelope, and addressed to:

Town Clerk
 Town of Lancaster
 Town Hall - 21 Central Avenue
 Lancaster, New York 14086

**BY ORDER OF THE TOWN BOARD
 OF THE TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN
 Town Clerk**

December 1, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the developer has requested the Town Board of the Town of Lancaster to accept completed Public Improvements within Windsor Ridge Subdivision, Phase V within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvements and has recommended the approval thereof, and

WHEREAS, the Town Attorney, by letter to the Town Clerk dated November 24, 2003 has reported his favorable review of all necessary deeds, easements and documents required to be filed for the acceptance of these public improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Public Improvements within Windsor Ridge Subdivision, Phase V, be and are hereby approved and accepted by the Town Board of the Town of Lancaster:

- P.I.P. No. 571 - Waterline
- P.I.P. No. 572 - Pavement & Curb
- P.I.P. No. 573 - Storm Sewer

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 1, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, it is the intention of the Town Board of the Town of Lancaster to sponsor a **Youth Initiative-Social Work Counselor Program** within the geographic area of the Town of Lancaster for the period of January 1, 2004 through December 31, 2004, and

WHEREAS, the Town Board has authorized such joint program for the period commencing July 1, 2003 and ending June 30, 2004, with the Lancaster Central School District, and

WHEREAS, it is in the public interest that the Town of Lancaster see to the continuation of this worthwhile program inasmuch as the other participant in the program, the Lancaster Central School District, has so indicated its intention to continue the program beyond the current fiscal year, and

WHEREAS, a proposed budget for the Youth Initiative-Social Work Counselor Program has been submitted for the period January 1, 2004 through December 31, 2004, in the sum of \$41,582, subject to approval by the Town Board,

NOW, THEREFORE, BE IT

RESOLVED, that the renewal application to the New York State Office of Youth and Family Services is in all respects approved and that Robert H. Giza, Supervisor of the Town of Lancaster, be and hereby is authorized and directed to execute and present the aforesaid application to the New York State Office of Children and Family Services, Albany, New York, for its approval.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 1, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, it is the intention of the Town Board of the Town of Lancaster to sponsor a **Youth Service Program** within the geographic area of the Town of Lancaster for the period of January 1, 2004 through December 31, 2004, and

WHEREAS, the Town of Lancaster is about to submit a renewal application for state aid for the operation of such Youth Service Program to the New York State Office of Children and Family Services, Albany, New York, for partial reimbursement of funds to be expended on said program, and

WHEREAS, a proposed budget for the Youth Service Program has been submitted for the period January 1, 2004 through December 31, 2004, in the sum of \$200,576, subject to approval by the Town Board.

NOW, THEREFORE, BE IT

RESOLVED, that submitting a renewal application to the New York State Office of Children and Family Services is in all respects approved and that Robert H. Giza, Supervisor of the Town of Lancaster, be and hereby is authorized and directed to execute and present the aforesaid application to the New York State Office of Children and Family Services, Albany, New York, for its approval.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 1, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, it is the intention of the Town Board of the Town of Lancaster to sponsor a **Youth Bureau Program** within the geographic area of the Town of Lancaster for the period of January 1, 2004 through December 31, 2004, and

WHEREAS, the Town of Lancaster is about to submit a renewal application for state aid for the operation of such Youth Bureau Program to the New York State Office of Children and Family Services, Albany, New York, for partial reimbursement of funds to be expended on said program, and

WHEREAS, a proposed budget for the Youth Bureau Program has been submitted for the period January 1, 2004 through December 31, 2004 in the sum of \$108,457, subject to approval by the Town Board.

NOW, THEREFORE, BE IT

RESOLVED, that submitting a renewal application to the New York State Office of Children and Family Services is in all respects approved and that Robert H. Giza, Supervisor of the Town of Lancaster, be and hereby is authorized and directed to execute and present the aforesaid application to the New York State Office of Children and Family Services, Albany, New York, for its approval.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 1, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, it is the intention of the Town Board of the Town of Lancaster to sponsor a **Youth Recreation Program** within the geographic area of the Town of Lancaster for the period of January 1, 2004 through December 31, 2004, and

WHEREAS, the Town of Lancaster is about to submit a renewal application for state aid for the operation of such Youth Recreation Program to the New York State Office of Children and Family Services, Albany, New York, for partial reimbursement of funds to be expended on said program, and

WHEREAS, a proposed budget for the Youth Recreation Program has been submitted for the period January 1, 2004 through December 31, 2004, in the sum of \$840,938 subject to approval by the Town Board.

NOW, THEREFORE, BE IT

RESOLVED, that submitting a renewal application to the New York State Office of Children and Youth Services is in all respects approved and that Robert H. Giza, Supervisor of the Town of Lancaster, be and hereby is authorized and directed to execute and present the aforesaid application to the New York State Office of Children and Family Services, Albany, New York, for its approval.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 1, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the New York State Office of Alcoholism and Substance Abuse Services has awarded the Town of Lancaster Youth Bureau and Drug Abuse Prevention Council a grant for the period January 1, 2004 through December 31, 2004 in the amount of \$3,294 to fund the operation of a substance abuse prevention program, and

WHEREAS, the Town Board has authorized the Supervisor to enter into a Memorandum of Understanding between the Town of Lancaster Youth Bureau and WNY United Against Drug & Alcohol Abuse, Inc. for use of New York State Office of Alcoholism and Substance Abuse Services funds in the amount of \$3,294, and

WHEREAS, the Town Board desires to enter into a contract for New York State Office of Alcoholism Services funding for the amount of \$3,294.

NOW, THEREFORE, BE IT

RESOLVED, that Robert H. Giza, Supervisor of the Town of Lancaster is hereby authorized to enter into a Memorandum of Understanding between the Town of Lancaster Youth Bureau and WNY United Against Drug & Alcohol Abuse, Inc. for use of New York State Office of Alcoholism and Substance Abuse Services funds in the amount of \$3,294, to continue operation of a substance abuse prevention program through the Town of Lancaster Youth Bureau and Drug Abuse Prevention Council.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 1, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the New York State Office of Children & Family Services has submitted a request for proposals for the Community-Based Family Resource and Support Program, and

WHEREAS, the Town of Lancaster Youth Bureau is interested in applying for funds through the Community-Based Family Resource and Support Program in collaboration with the Lancaster Police Department and the Lancaster Central School District and the Depew Public Schools.

NOW, THEREFORE, BE IT

RESOLVED, that submitting an application to the New York State Office of Children and Family Services is in all respects approved and that Robert H. Giza, Supervisor of the Town of Lancaster, be and hereby is authorized and directed to execute and present the aforesaid application to the New York State Office of Children and Family Services, Albany, New York, for its approval.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 1, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director
of Administration and Finance, to wit:

Claim No. 5805 to Claim No. 5986 Inclusive

Total amount hereby authorized to be paid: \$501,928.86

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 1, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

11365	Tiffany Builders Inc	53 Hemlock Ln	Er. Res. Alt.	
11366	Advision Inc	4961 Transit Rd	Er. Sign	
11367	Advision Inc	4961 Transit Rd	Er. Sign	
11368	Duro-Shed Inc	1 Robinwood Ct	Er. Shed	
11369	North Forest Dev.	2805 Wehrle Dr	Er. Sign-Wall	
11370	North Forest Dev.	2801 Wehrle Dr	Er. Sign-Wall	
11371	North Forest Dev.	2805 Wehrle Dr	Er. Sign-Wall	
11372	North Forest Dev.	2805 Wehrle Dr	Er. Sign-Wall	
11373	Marino, Salvatore	56 Michael Anthony Ln	Er. Shed	
11374	Forbes Homes Inc	20 Heathrow Ct	Er. Dwlg.-Sin.	
11375	Forbes Homes Inc	13 Chestnut Corner	Er. Dwlg.-Sin.	
11376	Lamparelli Const.	6733 Transit Rd	Er. Comm. Alt.	
11377	Forestream Village Inc	4729 Transit Rd	Er. Comm. Alt.	
11378	Patrick Development	2 Harvey Dr	Er. Apt. Bldg	(V/L)
11379	Patrick Development	2 Harvey Dr	Er. Apt. Bldg.	(V/L)
11380	Niagara Construction	117 Iroquois Ave	Er. Comm. Alt.	
11381	Town of Lancaster IDA	4334 Walden Ave	Er. Comm. Alt.	
11382	Signs Unlimited	4979 Transit Rd	Er. Sign	
11383	Majestic Pools Inc	48 Michael's Walk	Er. Gazebo	
11384	Rupe, Lionel Jr	647 Ransom Rd	Er. Shed	
11385	Rudolph, Jeffrey	21 Randolph St	Er. Deck	(V/L)

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 1, 2003

SUSPENDED RESOLUTION:

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolution.

Council Member Stempniak moved to suspend the necessary rules for immediate consideration of the following resolution, seconded by Council Member Ruffino, on voice vote, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPTNAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

SUSPENSION GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPTNAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town of Lancaster has been engaged in a legal action regarding the zoning of a parcel which lies east of the Larkspur Acres Subdivision, and

WHEREAS, the owners of the property have offered to limit the type of development to patio homes or town houses as a means to settle the pending action regarding the zoning of the property, and

WHEREAS, the Town Board has given due review and consideration to the offer extended by the plaintiff/owners and deems it to be in the public interest to resolve the litigation with such a limitation on the form of development that might occur on the property.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Town Attorney to settle the litigation entitled Andrusz and Schmid v. The Town of Lancaster, Index No. I-1999-8855, by consenting to an Order in Supreme Court, Erie County, State of New York which will limit the form of development on the subject premises to that of patio homes and/or town houses.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPTNAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

COMMUNICATIONS & REPORTS:

- 664. NYS DEC to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding proposed rezone of 5067 William Street (Patio Homes); comments noted. DISPOSITION = Planning Committee
- 665. General Crew Chief to Supervisor -
Notice of Seventh Annual "Santa at Westwood" event on Sunday, December 14th. DISPOSITION = Received & Filed
- 666. Market Street Art Center to Town Board -
Notice of art exhibit of Karl E. Kipp on December 7, 2003. DISPOSITION = Received & Filed
- 667. Adelphia to Supervisor -
Notice of offering of Digital Video Recorders from cable provider. DISPOSITION = Received & Filed
- 668. Landmark Society of the Niagara Frontier to Supervisor -
Request for funding assistance for restoration of Warren Hull House. DISPOSITION = Received & Filed
- 669. Western Erie Canal Heritage Corridor Planning Commission to Town Board -
Notice of meeting to be held December 3, 2003 in Middleport, N.Y. DISPOSITION = Received & Filed
- 670. Town Line VFD to Town Board -
Notice of opposition to 24 foot roadways in proposed Park Haven Homes development. DISPOSITION = Planning Committee
- 671. Town Line VFD to Tod Backen -
Recommendation to prohibit parking in certain areas of Old Stone Lane neighborhood. DISPOSITION = Planning Committee
- 672. Donald G. Symer to Supervisor -
Comments regarding unused Community Block Grant funds. DISPOSITION = Received & Filed
- 673. Adelphia to Town Clerk -
Notice of fee increase for cable customers. DISPOSITION = Received & Filed
- 674. Village of Lancaster to Town Board -
Official minutes of meeting held November 10, 2003. DISPOSITION = Received & Filed
- 675. Village of Lancaster to Town Board -
Official minutes of meeting held October 27, 2003. DISPOSITION = Received & Filed
- 676. Village of Lancaster to Town Board -
Official minutes of meeting held October 13, 2003. DISPOSITION = Received & Filed
- 677. Town Attorney to Town Board, Planning Board, Town Clerk, Building Inspector, Town Engineer -
Notice of SEQR meeting, December 1, 2003 at 6:30 PM to review proposed addition to Epic Recreational Center. DISPOSITION = Received & Filed
- 678. Town Clerk to Various News Media -
Notice to media of SEQR meeting, December 1, 2003 at 6:30 PM to review proposed addition to Epic Recreational Center. DISPOSITION = Received & Filed
- 679. General Crew Chief to Planning Board Chairman, Planning Board Members, Council

Members Montour, Ruffino, & Stempniak -
Recommendation regarding Preliminary Plat of Columbia Gardens Subdivision.
DISPOSITION = Planning Committee

- 680. Planning Board to Town Board -
Recommends approval of proposed Parkhaven Homes, west side of Bowen Road with conditions. DISPOSITION = Planning Committee
- 681. Planning Board to Town Board -
Recommends approval of revised sketch plan for proposed Whispering Pines Subdivision, east side of Aurora Street with conditions. DISPOSITION = Planning Committee
- 682. Planning Board to Town Board -
Recommends adjournment to December 3, 2003 for proposed Patio Homes by Natale, 5067 William Street. DISPOSITION = Received & Filed
- 683. Town Engineer to Town Board -
Recommend approval of Public Improvement Permits No. 571 (Water Lines), No. 572 (Pavement & Curb), No. 573 (Storm Sewers) for Windsor Ridge Subdivision, Phase V. DISPOSITION = Resolution 12/1/03
- 684. Planning Board Chairman to Planning Board Members, Town Board, Town Engineer, Town Attorney, Building Inspector -
Draft copy of Planning Board minutes of meeting held November 19, 2003. DISPOSITION = Received & Filed
- 685. Erie County Dept. of Environment & Planning to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding 5067 William Street (Patio Homes); comments noted. DISPOSITION = Planning Committee
- 686. NYS DOT to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding addition to Epic Recreation Center; comments noted. DISPOSITION = Resolution 12/1/03
- 687. NYS DEC to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding addition to Epic Recreation Center; concerns noted. DISPOSITION = Planning Committee

ADJOURNMENT:

ON MOTION COUNCIL MEMBER RUFFINO AND SECONDED
BY COUNCIL MEMBER STEMPIAK, on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The meeting was adjourned at 8:45 P.M.

Signed _____

